

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & CO,

Plaintiff,

v.

PAPIKIAN ENTERPRISES, INC., et al.,
Defendants.

No. C 10-05051 JSW

**ORDER GRANTING IN PART
MOTION TO AMEND
JUDGMENT AND SETTING
STATUS DATE**

This matter comes before the Court upon the motion to alter or amend judgment filed by Galoust Papikian and Papikian Enterprises, Inc. ("Papikian"). The Court has considered the parties' papers, including their supplemental briefs, relevant legal authority, and the record in this case. The Court finds the motion suitable for disposition without oral argument and, therefore, VACATES the hearing scheduled for October 5, 2012.

Papikian moves to alter or amend the Amended Final Judgment and Permanent Injunction ("Amended Judgment") issued on August 10, 2012, on the basis that the Court imposed criminal contempt sanctions without affording the requisite due process. In the supplemental briefs ordered by the Court, Papikian has not objected to the Court's proposed modification of the Amended Judgment. Levi Strauss & Co. ("LS&CO") concedes that the Court has discretion to make the proposed modification, but it urges the Court not to do so.

The Court finds good cause to grant, in part, Papikian's motion. Accordingly, the Court
HEREBY ORDERS:

1. By October 5, 2012, Papikian shall move the disclaimer on the home page to sit **below** the 501USA.com logo, or he shall pay \$100.00 per day to LS&CO until he cures this violation of paragraph A.3 of the parties' original stipulated judgment.

2. Paragraphs A, B.1 and B.2 of the Amended Judgment are MODIFIED to reflect that Papikian will be precluded from using 501USA.com as a domain name or a trade name, only if, after a period of ninety (90) days from the date of this Order, he is unable to demonstrate to the satisfaction of the Court that he is able to operate the website without violating the remaining terms of that Amended Judgment.¹

3. Papikian is HEREBY PLACED ON NOTICE that if after the end of the ninety day period contemplated in this Order, the Court finds that he is not in compliance with the remaining terms of the Amended Injunction, the Court shall re-instate the provisions of paragraphs A, B.1 and B.2 of the Amended Injunction.

4. The parties shall appear for a status conference on Friday, January 11, 2013 at 1:30 p.m. The parties' shall submit a joint status report to the Court on Friday, January 4, 2013, setting forth their positions on whether Papikian is in compliance with the remaining terms of the Amended Injunction.

IT IS SO ORDERED.

Dated: October 1, 2012


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

¹ Papikian has added a photograph that may not be a technical violation of the terms of the Amended Judgment, but which LS&CO argues violates the spirit of the Amended Injunction. The Court agrees with LS&CO on that point. However, LS&CO does not ask the Court to direct Papikian to remove the photograph, and the Court shall not do so now. However, Papikian is advised that the Court will not look kindly on such changes during the ninety day period contemplated by this Order.